

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00467

Larry Hicks,
Plaintiff,

v.

Attorney Gary A. Udashen
Defendant.

ORDER

Plaintiff Larry Hicks, a prisoner of the Texas Department of Criminal Justice proceeding pro se, filed this civil lawsuit without paying the filing fee. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636(b).

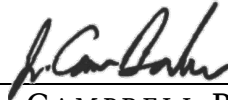
On September 19, 2023, the magistrate judge issued a report recommending that the court bar the plaintiff from proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915(g) and dismiss this case subject to reopening if the plaintiff pays the filing fee within fifteen days of judgment. Doc. 3. A copy of the report was mailed to the plaintiff, who has not filed written objections or paid the filing fee.

In addition to the bar of § 1915(g), the plaintiff is subject to a sanction imposed in a previous case, which requires him to obtain representation by counsel for any pleading filed in this court. *See* Order Imposing Sanctions at 2, *Hicks v. Skeen*, No. 6:18-cv-400 (E.D. Tex. Jan. 14, 2020) (“The Clerk of Court for the Eastern District of Texas shall not accept from Plaintiff Larry Coleman Hicks any further lawsuits, documents, pleadings, correspondence, letters, notices, or motions in any suit, including previous and newly filed cases—that do not bear the signature of a licensed attorney admitted to practice before the Bar of the Eastern District of Texas.”).

When no party objects to the magistrate judge’s report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation as modified. The plaintiff is denied leave to proceed as a pauper, and this case is dismissed with prejudice for purposes of proceeding *in forma pauperis* under 28 U.S.C. § 1915(g)—but without prejudice as to the refiling of the lawsuit by a licensed attorney and with payment of the full filing fee.

So ordered by the court on October 20, 2023.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge